

**SPECIAL JOINT FARMINGTON CITY COUNCIL/  
PLANNING COMMISSION/  
REDEVELOPMENT AGENCY OF FARMINGTON MEETING**

Tuesday, December 19, 2006

**REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

***CITY COUNCIL/REDEVELOPMENT AGENCY PRESENT:*** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, and City Manager Max Forbush.

***PLANNING COMMISSION PRESENT:*** Chairman Jim Talbot, Commission Members Andrew Hiller, Kevin Poff, Cory Ritz, Paul Barker, Rick Wyss, and Recording Secretary Jill Hedberg. John Bilton was excused.

**Chairman Talbot** called the meeting to order at 5:30 P.M. **Andrew Hiller** offered the invocation. The Pledge of Allegiance was led by **Paul Barker**.

**PUBLIC HEARING: (PLANNING COMMISSION) REVIEW OF DEVELOPMENT AGREEMENT FOR STATION PARK BETWEEN FARMINGTON CITY AND CENTERCAL (Agenda Item #2)**

\_\_\_\_\_ **Todd Godfrey** introduced Tom Ellison of Stoel Rives who is legal counsel for CenterCal.

**Tom Ellison** briefly explained the purpose of the Development Agreement. The incorporation of the Project Master Plan is an important part of the Development Agreement. It becomes a governing configuration for different elements of the Agreement. The site includes 97 acres which includes the UTA parcel and parcels beyond the core property. This Agreement will only become effective if CenterCal acquires the properties. In the event the Haws property is not acquired, it will not benefit or bind any of the properties. There is a provision for CenterCal to acquire additional properties so, at minimum, the core of the property will be 62 acres.

**Cory Ritz** asked if the size of the project is limited to 97 acres.

**Tom Ellison** explained that the project has the ability to encompass the properties between the UDOT property, Clark Lane and Park Lane. There is an ability to add land through an amendment to the Agreement. **Mr. Ellison** focused on the following points of the Development Agreement:

- The developer has the ability to move the buildings around so long as there is a basic configuration. If roads need to be realigned, the request will likely be considered by the Planning Commission.

- Properties that are not acquired by the developer are not covered by the Development Agreement or the Project Master Plan.
- The Development Agreement includes development standards in Exhibits D-1 and D-2. The developer is requesting that the specific signage standards be approved as per Exhibit D-1. The developer is requesting approval for 4 pile-on signs that can be up to 100' in height. They are also requesting large project signs at the entrances, as well as at other locations within the project site.

**Chairman Talbot** questioned whether specific locations will be designated in the preliminary plans.

**Tom Ellison** said the specific locations will not be designated at this time since there may be tenant relocations. The sight lines to the signs will also need to be evaluated.

[**Rick Wyss** arrived at 5:50 P.M.]

**Cory Ritz** pointed out that the Planning Commissioners did not receive a copy of the Development Agreement Exhibits.

**Tom Ellison** indicated that the Exhibits were reviewed by City staff and the City's legal counsel. He continued reviewing the Development Agreement, including the following points:

- The tenant mix will effect the actual appearance of the project and the signage. The majority of the Site Plan review process will be done by the Planning staff with the assistance of a development review committee which will likely include certain members of the Planning Commission.
- The Development Agreement includes a provision so the project does not set a precedent for other properties within the City.
- There are provisions in the Agreement which describe the vested rights. The developer wants the Development Agreement to be a free-standing entitlement.

**Paul Barker** asked if the developer considered the access alternative that was proposed by **David Dixon**.

**Tom Ellison** said CenterCal's traffic engineers reviewed that particular proposal and found that it does not work. CenterCal is under a time constraint and does not have a significant amount of time to consider other options other than the road configuration that was approved with the Project Master Plan. They are requesting approval to move ahead with this project and the entitlement that is included in the Development Agreement.

[**Rick Dutson** arrived at 5:57 P.M.]

**Kevin Poff** questioned why the access proposed by **Mr. Dixon** would not work.

**Tom Ellison** said that particular proposal involves assumptions that do not meet the road standards. The proposal also involves properties that are not controlled by CenterCal. It would take several months to create the design. It would also be complicated to realign the roads since they are under UDOT's jurisdiction. The road configuration can not be reconfigured within a time frame that will allow the developer to move forward with the project.

**Jim Talbot** said the Planning Commission is concerned about the traffic issues. They want to ensure that the traffic will flow on both the interior and exterior of the project so the traffic is not congested like it is near retail centers in Layton City. The Planning Commission accepts the input from City staff and CenterCal which indicates that the road system will function.

**Tom Ellison** said based on their traffic analysis, CenterCal is confident the proposed road system will function.

**Todd Godfrey** (Legal Counsel for Farmington City Council) briefly reviewed the issues that are unique to this particular Development Agreement:

- **Roads:** From a legal perspective, the City does not give up its legislative powers but from a practical perspective, there is a restriction. If the City were to try to change the Road Master Plan in this area, there could be legal consequences. The developer's traffic engineers did a minimal evaluation of the proposed road configuration due to their time constraints. If it is found that the traffic configuration will function, the City and CenterCal can mutually agree to change the road configuration. Although it is not likely that the developer will change the configuration since they will be vested at that point.
- **Site Plan Review:** The Master Plan is not definite and does not designate specific uses in specific areas. A development review committee will likely be formed to assist the Planning Department. The Planning Commission will not likely review site plans for this project.

**Chairman Talbot** indicated that the Planning Commission would prefer that a committee be formed to assist the Planning staff.

- **Signage:** There is a significant amount of development signage. If the Development Agreement is approved, there will be 4- 100' pile on signs, as well as a number of development type signs. The design of the signs is unknown at this point in time. The signage for the retail stores will be approved by City staff.

**Chairman Talbot** asked if there will be a set standard for the signage within the development.

**Elizabeth Angyl** said their preliminary site plan will include a signage plan.

**Todd Godfrey** said the project sign package will be consistent, although the tenants will vary. He concluded by saying that the Development Agreement meets the needs of the developer but needs to be evaluated by the Planning Commission. The Agreement is specific to Station Park and to CenterCal acquiring the property. After CenterCal acquires the property, they have the right to assign the project.

**Kevin Poff** asked if the Planning Commission will have other opportunities to consider the development at a later time.

**Todd Godfrey** said the Planning Commission will have very little involvement after the Development Agreement is approved by the City Council. The Planning Commission will receive frequent updates from City staff.

**Kevin Poff** asked if the development review committee will have authority to influence the outcome of decisions.

**Todd Godfrey** said there are Development standards that are definitive but they do not pertain to architecture. The road standards are not perfectly fixed and the landscape plan has not been submitted.

**Paul Barker** questioned whether the proposed sign height is consistent with other retail areas in the community.

**Todd Godfrey** said the signage standards for this development will be completely different from any other development in the City. If the developer receives approval for 100' pile-on signs, those signs will likely exist in the development. It is in the developer's best interest to make the signage attractive but they could be very large signs.

**Rick Wyss** asked if the Development Agreement was drafted by the City or by CenterCal.

**Tom Ellison** indicated that CenterCal was responsible for drafting the Development Agreement. The draft being considered is the 9<sup>th</sup> draft.

**Rick Wyss** said the Assignment Provision appears to be broad.

**Todd Godfrey** said it appears the developer has the ability to freely assign the project so long as they have ownership interest in the property.

**Max Forbush** stated that the Agreement of Development of Land states that assignment of the project needs to be agreed upon by the Redevelopment Agency Board which has the same membership as the City's Governing Body.

In response to a question from **Rick Wyss**, **Todd Godfrey** said the developer has requested assistance from the RDA. He asked the legal counsel for the RDA, **Randy Feil**, to speak regarding the matter.

**Randy Feil** explained that the Agreement of Development of Land (ADL) states that CenterCal can not make transfers until they have made all of the improvements to the infrastructures (unless CenterCal is involved in a merger or needs to assign the property for financing purposes). In the event the City agrees that the property can be transferred, the transferee would have the same obligation to finish the project in order to receive the subsidy.

### **Public Hearing**

**Chairman Talbot** opened the meeting to a public hearing and invited the applicant to address the Commission.

**David Dixon** (1047 North 100 West) said he represents himself, as well as **Ron Martinez** of America West Development who controls 125 acres north of Park Lane. They are in support of the project and do not intend to slow the process but they are concerned that the intersection is located 1,000 feet from the interchange. He referred to the letter he sent to the City outlining the reasons why he is opposed to the intersection configuration that is supported by CenterCal. He recently met with UDOT representatives who like the proposal that he suggested. He hopes the proposed intersection configuration will be further studied. He referred to the Development Agreement text and made suggestions to improve the readability of paragraph 4.2 and 4.3.

**Ryan Hales** (Traffic Engineer for America West Development) said he has not fully evaluated the road configuration that was proposed by **Mr. Dixon**. He explained UDOT's 9 basic access spacing requirements. He said CenterCal's proposed access does not meet the access spacing standard for interchanges which will cause traffic congestion in the future. There are a number of transportation modes in the area, including commuter rail and Legacy Highway so he hopes CenterCal will address the issue. He suggested that the Wasatch Front Regional Council be involved in the process since they are familiar with the standards that need to be met. He asked that America West's development not be precluded as a result of Station Park. If the proposed access is approved, it may be difficult to obtain an additional access on the northern properties.

**Chad Greenhalgh** (208 West State Street) said he is supportive of the development but is concerned that the traffic will have a negative impact on 200 West and State Street. The City's General Plan states that special consideration should be given to that area. State Street is supposed to remain a residential neighborhood. If a light is required at 200 West, the area will no longer have a residential feel. It will also effect the City since they will be responsible for the costs of the signalization and will be responsible to protect the school children in the area. He requested that a provision be included in the Development Agreement requiring the developer to analyze the amount of traffic that will be added to the area as a result of Station Park.

### **Public Hearing Closed**

With no further comments, **Chairman Talbot** closed the public hearing and asked the Planning Commission for their consideration.

**Cory Ritz** said he is mainly concerned about the traffic issues. He understands that the developer has to meet certain time schedules but said he is uncomfortable that the Planning Commission is being asked to proceed without reviewing the traffic study or the exhibits to the Development Agreement.

**Max Forbush** said the Planning Commission may feel uncomfortable since they are not typically involved in the Development Agreement process. The City Council has the ultimate authority as to whether the Mayor will sign the Agreement. UDOT will be the legal body that will determine how many access points will be allowed. The Region One Director has indicated that they are close to finalizing their decision.

In response to a question from **Rick Wyss**, **Max Forbush** said he does not know whether UDOT will hold a public hearing regarding the access points and road configuration. The second access off Park Lane is an issue since CenterCal does not control the abutting land. CenterCal plans to proceed in developing 62 acres.

**Kevin Poff** questioned whether the City has discussed their preferred road configuration with UDOT.

**Max Forbush** said the City has not made a recommendation regarding the road configuration since it is not the City's area of expertise. They have been involved with UDOT in an attempt to expedite the process. Both CenterCal and the City's traffic engineer recommend that two access points be allowed.

**Cory Ritz** recommended that a site plan review committee be formed so there is representation from City staff, the City Council, and the Planning Commission.

**Rick Wyss** said the site plan review committee would only be advisory in nature.

**Max Forbush** said CenterCal would prefer that a site plan review committee be formed to assist the Planning Department since it is a large project that consists of many tenants. They also do not want the project to be held up if there is a difference of opinion by the Planning Commission or City Council. The Governing Body is convinced that CenterCal is a quality developer with the means to make the project successful.

**Cory Ritz** said the City and the residents should not have to give up their ability to provide input for what occurs in the town just because the developer requests a stream lined process. He recommended that the committee be formed to provide input.

**Paul Barker** asked how the developer will proceed if it is found that the proposed access point will not function.

**Max Forbush** said CenterCal will not likely purchase the property if they have not received an entitlement from the City and if they have not acquired the necessary access points from UDOT.

**Rick Wyss** questioned why the developer is requesting the 100' signage.

**Elizabeth Angyl** said they are requesting the 100' signage height due to the scale of the project and its close proximity to the freeway. The City has the right to review the aesthetics of the signage. She stated that the proposed distance between the intersection and the access is 13% less than the UDOT standard.

**Kevin Poff** said he has always been impressed with CenterCal but he is concerned that the City is willing to "short change" certain areas to accommodate them. He stated that the Development should be a "good fit" for the City. If Park Lane experiences traffic congestion, it will be a disservice to the City, as well as the project. He is concerned that the City will give up control if the Development Agreement is approved. It is the City's responsibility to determine what works for Farmington.

In response to a question from **Commissioner Barker**, **Elizabeth Angyl** said they plan to close on January 5, 2007. They requested that UDOT allow them two access points. CenterCal understands that in order for shopping centers to be successful, they need to have good access. They do not want to make this level of investment if the project is not successful.

**Rick Wyss** said he has not heard negative input from the traffic experts. They have indicated that the traffic will not fail.

**Andrew Hiller** said the City's trust in the developers is based on their impressive resume. The terms of the Development Agreement are consistent with the discussions that have occurred between the City and CenterCal.

**Chairman Talbot** said it is in the best interest of the City and the developer for the project to be successful. If Station Park meets the quality of CenterCal's previous projects, it will be a "gem" for the City. It will generate a tax base that will allow the City to provide services that it has not been able to provide in the past. He is willing to recommend that the City Council approve the Development Agreement but hopes that both the developer and the City will use wise insight to make sure it is done properly.

**Rick Wyss** questioned whether CenterCal agreed to the creation of a committee that will have the authority to do more than make recommendations.

**Elizabeth Angyl** said CenterCal agreed that the committee will function as a design review committee.

**Todd Godfrey** said the City Planner has the authority to grant site plan approval according to the standards. Although the final decision is made by the City Planner, he will not likely approve something that the committee is opposed to.

### **Motion**

**Cory Ritz** moved that the Planning Commission recommend that the City Council approve the Development Agreement for Station Park between Farmington City and CenterCal, as presented, to include any modifications recommended by the City Council. The Planning Commission further recommends that a site plan approval committee be formed to alleviate the burden from the City Planner and to allow citizen input. **Paul Barker** seconded the motion, which passed by 4 to 1 vote.

### **Findings**

- The project is consistent with the City's Master Plan for the area.
- The properties have been rezoned to accommodate the project.
- CenterCal is a quality developer that has the ability to provide a project that will benefit the City.
- The project is endorsed by City staff.

**Kevin Poff** stated that he is opposed to the Development Agreement being recommended by the Planning Commission at this time since he does not think the City has done their due diligence to ensure that the project is a "good fit" with Farmington.

\_\_\_\_\_The Planning Commission adjourned at 7:04 p.m.

### **REVIEW OF STATION PARK DEVELOPMENT AGREEMENT (CITY) AND AGREEMENT FOR DEVELOPMENT OF LAND (RDA) (Agenda Item #3)**



The City Council agreed to do their due diligence by tabling consideration of the Agreement to allow them to consider the amendments to the Agreement that were proposed at an earlier meeting. The Council can then consider the Agreement on Friday, December 29, 2006.

### **Motion**

**Rick Dutson** moved that the City Council table consideration of the Station Park Development Agreement until December 29, 2006, to allow time to consider the amendments that were proposed at an earlier meeting. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**Mayor Harbertson** said the Agreement provides protection for the City since it only applies to CenterCal.

**Todd Godfrey** stated that if CenterCal does not purchase the property, the Agreement will be void. If the property is purchased, the Agreement vests with the land. Although from a legal stand point, it would be difficult for the City to withhold an assignment.

**Max Forbush** stated that the developer will not receive the RDA tax increment subsidy unless the City agrees to the assignment.

**Sid Young** said the City has hired a consultant from Denver who is assisting the City in the process. He is convinced the project will not proceed appropriately if City staff and the review committee are not given the authority to grant approvals.

In response to a question from **Mayor Harbertson**, **Todd Godfrey** stated that there is not a provision in the Agreement which states that the sign package will decrease if the developer does not acquire all of the properties.

**Mayor Harbertson** said the City feels a sense of urgency to provide a road to the commuter rail station since there may be riders by the end of the year 2007.

### **MINUTE MOTION APPROVING SUMMARY ACTION (Agenda Item #4)**

**David Hale** moved that the City Council approve the following items by consent as follows:

- 4-1. Approval of Agreement between Utah Division of Parks & Recreation and Farmington City for Grant for Buffalo Ranches Trail (Phase II).
- 4-2. Consideration of request for expanding seasonal Leisure Services Department help to permanent part-time.

\_\_\_\_\_ **Sid Young** seconded the motion, which passed by unanimous vote.

**AUTHORIZATION TO PURCHASE PARCEL #07-21-0040 FROM DAVIS COUNTY FOR \$37,500 - SITE OF FARMINGTON PUMP STATION (Agenda Item #5)**

**Max Forbush** explained that the County intends to sell a portion of their property to be included in the Palmer development. The City wants to retain the property that the City has used for over 40 years to maintain Well #1. The asking price is approximately \$2.53 per square foot which may be high since pipelines run under the property.

The City Council suggested that City staff make a counter offer of \$2.00 per square foot since the property is not buildable due to the easements that exist on the property.

**Motion**

**David Hale** moved that the City Council authorize the City Manager to negotiate the purchase price for the site of the Farmington pump station to be between \$28,000 and \$37,000. **Sid Young** seconded the motion, which passed by unanimous vote.

**MISCELLANEOUS**

**The Steed Place Discussion**

**Max Forbush** reported that **Todd Bradford** would like to be included in the City Council's January 2, 2007, Agenda to amend the Development Agreement. The City needs to determine whether the Thomas Steed house should be restored. The City has made contact with a structural engineer who will evaluate the property to determine whether it is structurally sound and will estimate the cost for the needed repairs. The cost of the analysis will be approximately \$2,000. The Council can then determine whether it is cost effective to make the improvements.

**Motion**

**Rick Dutson** moved that the City Council authorize City Staff to hire a structural engineer for up to \$2,000 to evaluate the old Steed home. **David Hale** seconded the motion, which passed by unanimous vote.

**Road to the Station Discussion/Authorization to Approve "Cooperative Design Engineering Agreement" with UDOT**

**Max Forbush** reported that the City has an alternative road "to the commuter rail station" that could be used in the event Station Park is not developed. He explained where the road could be located, so long as approval is received from UDOT to construct a retaining wall. This alignment

would follow 650 West north of Clark Lane to the Legacy Parkway right-of-way proceeding across the westerly edge to property set aside for the commuter rail parking lot.

The City Council discussed both proposed alternatives for access to the commuter rail station. The City Engineer indicated that the Region One Director is in a position to approve the original alignment..

### **Motion**

**Paula Alder** moved that the City Council authorize City staff to proceed with either Option A or Option B to access the commuter rail station and authorize funds to be spent on the design engineer reimbursement. The motion includes specific approval of the “Cooperative Agreement - Design Engineering Reimbursement”. **Rick Dutson** seconded the motion, which passed by unanimous vote.

### **ADJOURNMENT**

**Larry Haugen** moved that the meeting adjourn at 7:40 P.M.

---

Margy Lomax, City Recorder  
Farmington City

---

Jim Talbot, Planning Commission Chair

---

Max Forbush, Executive Director  
Redevelopment Agency of Farmington